IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

FRIDAY, THE 8TH DECEMBER 2006 / 17TH AGRAHAYANA 1928

WP(C).No. 31028 of 2006(R)

PETITIONER:

K.P.KASMI, S/O.T.C.UDUMAN,
KATIPURA HOUSE, KADMAT ISLAND,
UNION TERRITORY OF LAKSHADWEEP.

BY ADV. SRI.V.B.HARI NARAYANAN

RESPONDENTS:

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1. THE ADMINISTRATOR,
UNION TERRITORY OF LAKSHADWEEP,
KAVARATTI, LAKSHADWEEP.

2. AISHABI,
KATTIPURA HOUSE,
KADMAT ISLAND, LAKSHADWEEP.

3. ABDUL KADER,
KATTIPURA HOUSE,
KADMAT ISLAND, LAKSHADWEEP.

BY ADV. SRI.PR.RAMACHANDRA MENON,SC,LAKSHADWEEP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C)NO. 31028 OF 2006

DATED THIS THE 8th DAY OF DECEMBER, 2006

JUDGMENT

This petition is filed under Article 227 of Constitution of India challenging Exts.P4 and P5 orders passed by Revenue Authorities dismissing his application challenging the change of entries in the settlement register. The case of petitioner is that a per the original entry, the properties stand in the name of the Sailani and Atta and without notice, name of Atta has been deleted by the revenue authorities and therefore that order is to be set aside.

2. Learned Counsel appearing for petitioner was heard.

3. Arguments of learned Counsel appearing for petitioner was that though Ext.P5 order provides for an opportunity to petitioner to approach the Civil Court and establish the title, petitioner is only challenging the action of the authorities in deleting the name of Atta, the joint owner and hence the order deleting the name without notice is to be set aside.

On hearing learned Counsel appearing for petitioner, I do not find any infirmity in Ext.P5 order warranting interference in exercise of the extraordinary jurisdiction under Article 227 of Constitution of India.

Ext.P5 order specifically provides that it is not for the revenue Court to adjudicate the title and it has to be decided by competent civil Court. In such circumstances, the petition is dismissed.

M.SASIDHARAN NAMBIAR,JUDGE

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